

FREIMUND JACKSON & TARDIF, PLLC

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MICHAEL E. TARDIF
JEFFREY A. O. FREIMUND
AMANDA C. BLEY

October 31, 2017

Kyle Lydell Canty
77 S. Washington Street
Seattle, WA 98104

Kyle Lydell Canty
1700 7th Avenue, Suite 116, Unit 365
Seattle, WA 98101

RE: *Kyle Lydell Canty v. City of Seattle, et al.*
USDC Western District No. 2:16-cv-01655 RAJ-JPD

Dear Mr. Canty:

We have been informed that you were released from the Washington Correctional Center on October 30, 2017. The Department of Corrections advised that you provided no forwarding address upon your release.

Please note that LCR 10 (e) provides as follows:

[A]ny party not represented by an attorney must file a notice with the court of any change in address, telephone number or email address. Such notice must be received by the Clerk's Office within ten days of the change. All subsequent pleadings, motions or other filings shall reflect the new address and telephone number. The address and telephone number of the party . . . noted on the first pleadings, motions or other filings or as changed by individual notice, shall be conclusively taken as the last known address and telephone number of said party . . .

Kyle Lydell Canty
October 31, 2017
Page 2

Similarly, LCR 41 (b)(2) provides:

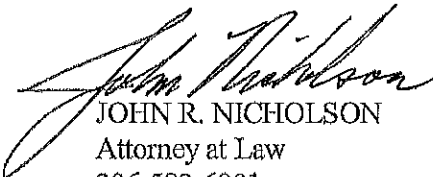
A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by the internet service provider, and if such plaintiff fails to notify the court and opposing parties within 60 days thereafter of his or her current mailing or email address, the court may dismiss the action without prejudice for failure to prosecute.

Please provide the court and counsel notice of your current address immediately, as required by the above rules, so that discovery and pleadings can be served on you. We are forwarding this letter with the following enclosures to your last known addresses that we have any record of:

- Court's Order of October 30, 2017;
- City of Seattle's Interrogatories and Requests for Production to Plaintiff; and
- Authorizations and Stipulations for Plaintiff's medical records.

The City's discovery requests and authorizations for medical records were previously mailed to you when you were incarcerated at Washington Corrections Center, but they were returned unopened with an indication that you refused to accept them. Please return answers to these long-overdue discovery requests along with fully executed authorizations and stipulations for records. As the court's October 30, 2017 order indicates, "participation in the discovery process is mandatory."

Sincerely,



JOHN R. NICHOLSON
Attorney at Law
206-582-6001

JRN:kpf
Enclosures

cc: Samantha Kanner (w/o enclosures)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C16-1655-RAJ-JPD

ORDER STRIKING PLAINTIFF'S
SUBMISSIONS AND RE-NOTING
DISPOSITIVE MOTIONS

This is a civil rights action proceeding under 42 U.S.C. § 1983. On September 15, 2017, this Court issued an Order to Show Cause directing plaintiff to explain why he was not complying with the Court's mandatory Prisoner E-Filing Initiative. (Dkt. 113.) The Court noted in its Order that plaintiff had been repeatedly advised that his compliance with the E-Filing Initiative was mandatory, in accordance with General Order 06-16, and yet he continued to submit documents via the U.S. Mail. (*Id.*) Plaintiff was advised that his failure to provide a meaningful response to the Order to Show Cause would result in all non-complying documents submitted after the date of the Order being returned to him unfiled. (*Id.*)

ORDER STRIKING PLAINTIFF'S
SUBMISSIONS AND RE-NOTING
DISPOSITIVE MOTIONS - 1

1 Since the date of that Order, plaintiff has submitted 17 additional documents to the Court,
2 all via U.S. Mail. (See Dkts. 117, 118, 119, 120, 127, 128, 131, 134, 135, 136, 137, 138, 139,
3 140, 141, 142, and 143.) Included among those documents is plaintiff's response to the Order to
4 Show Cause in which he essentially asserts that he never entered into any agreement with the
5 Court to comply with General Order 06-16, and he therefore isn't bound by the Court's
6 mandatory Prisoner E-Filing Initiative. (Dkt. 134.) However, the General Order expressly states
7 that the Prisoner E-Filing Initiative is "mandatory for all prisoner litigants incarcerated at
8 facilities actively engaged in the Prisoner E-Filing Initiative." General Order No. 06-16.
9 Plaintiff is housed at a Washington Department of Corrections (DOC) facility that is actively
10 engaged in the Prisoner E-Filing Initiative, as he has been since his transfer into DOC custody,
11 which means that his participation in the program is **mandatory**. Whether or not plaintiff agreed
12 to participate in the E-Filing Initiative is, quite simply, irrelevant. Because the non-complying
13 documents have already been filed, the Court will not return them to plaintiff but will, instead,
14 simply strike them from the record and will not consider them further.

15 Based on the foregoing, the Court hereby ORDERS as follows:

16 (1) Plaintiff's submissions received since September 15, 2017 which are not in
17 compliance with the Court's Prisoner E-Filing Initiative (Dkts. 117, 118, 119, 120, 127, 128,
18 131, 134, 135, 136, 137, 138, 139, 140, 141, 142, and 143) are STRICKEN. Any subsequent
19 non-complying submissions will be stricken as well.

20 (2) Also pending at the present time are the City of Seattle defendants' motion to
21 dismiss or, in the alternative, to compel discovery (Dkt. 121), and the King County defendants'
22 motion for dismissal and for summary judgment (Dkt. 123). The motions were both noted on the

23 ORDER STRIKING PLAINTIFF'S
SUBMISSIONS AND RE-NOTING
DISPOSITIVE MOTIONS - 2


1 Court's calendar for consideration on October 27, 2017, and both motions seek dismissal based
2 on plaintiff's refusal to participate in the discovery process. Plaintiff has not responded in any
3 fashion to defendants' dispositive motions, opting instead to occupy himself with filing a series
4 of frivolous motions which in no way serve to advance this action. Though plaintiff has had
5 ample time to file a response to the pending dispositive motions, the Court deems it appropriate
6 to give plaintiff one final opportunity to respond given that a ruling in defendants' favor on the
7 pending motions would result in termination of this action.

8 Accordingly, plaintiff is directed to file any response to defendants' pending dispositive
9 motions not later than *November 27, 2017*. Plaintiff is advised, in this regard, that defendants
10 have made a compelling argument for dismissal of this action based upon plaintiff's failure to
11 participate in the discovery process. Just as participation in the Court's Prisoner E-Filing
12 Initiative is mandatory, so to is participation in the discovery process mandatory. If plaintiff
13 continues in his refusal to participate in discovery, this Court will have no alternative but to
14 recommend dismissal of this action.

15 (3) Defendants' dispositive motions (Dkts. 121 and 123) are RE-NOTED on the
16 Court's calendar for consideration on *December 1, 2017*.

17 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
18 defendants, and to the Honorable Richard A. Jones.

19 Dated this 30th day of October, 2017.

20 
21 JAMES P. DONOHUE
22 Chief United States Magistrate Judge

23 ORDER STRIKING PLAINTIFF'S
SUBMISSIONS AND RE-NOTING
DISPOSITIVE MOTIONS - 3

Honorable Richard Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

DEFENDANTS CITY OF SEATTLE,
OFFICER MARSHALL COOLIDGE,
OFFICER SEAN CULBERTSON, OFFICER
TIMOTHY RENIHAN AND OFFICER
ANDREW HANCOCK'S FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO PLAINTIFF KYLE
LYDELL CANTY

TO: KYLE LYDELL CANTY, Plaintiff Pro Se

In accordance with Fed. R. Civ. P. 33, you are required to answer the following interrogatories, separately and fully, under oath, within thirty (30) days of the date of service of these interrogatories upon you.

Also contained herein are requests for production pursuant to Fed. R. Civ. P. 34. Please produce the requested material for inspection and copying by defendant's attorney at the address stated below by no later than thirty (30) days from the date of service. These discovery requests are continuing in nature and you must supplement your responses pursuant to Fed. R. Civ. P. 26(e).

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CITY DEFENDANTS' FIRST
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF KYLE
LYDELL CANTY --
NO. 2:16-CV-01655-RAJ-JPD

1

FREIMUND JACKSON & TARDIF, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6085

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Please identify each person with knowledge of any of the allegations and/or averments of fact contained in Plaintiff's Complaint. Please include a summary of the facts known as well as the current address and telephone number for each person identified.

ANSWER:

REQUEST FOR PRODUCTION A: Please produce for inspection and copying any document, recording, or electronic data that supports any of the allegations and/or averments of fact identified in Plaintiff's Complaint.

RESPONSE:

1 **INTERROGATORY NO. 2:** Please identify and provide a detailed computation of each and
2 every category of damages that you claim to have suffered as a result of Defendants' alleged
3 actions. Defendants specifically request that you provide an explanation of damages for the
4 calculation of each dollar amount in each category.

5 **ANSWER:**
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13 **INTERROGATORY NO. 3:** Identify any statements, correspondence, letters, emails, blogs,
14 social media posting (i.e., Facebook, MySpace, Twitter, Instagram, Tumblr), videos (i.e.,
15 YouTube, Vimeo) or other documents sent to any individual or received from any individual
(other than attorney/client privilege) related to this litigation or any of the incidents described in
16 Plaintiff's Complaint.

17 **ANSWER:**
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1 **REQUEST FOR PRODUCTION B:** Please produce for inspection and copying any and all
2 statements, correspondence, letters, emails, blogs, social media postings, tweets, videos or other
3 documents sent to any individual or received from any individual (other than attorney/client
4 privilege) relating to this litigation or any of the incidents described in Plaintiff's Complaint.

5 **RESPONSE:**
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12 **INTERROGATORY NO. 4:** Please state the name, address and telephone number of each
13 health care provider, including mental health care, who has treated or examined you during the
14 ten (10) years preceding the incidents alleged in Plaintiff's Complaint.

15 **ANSWER:**
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CITY DEFENDANTS' FIRST
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF KYLE
LYDELL CANTY --
NO. 2:16-CV-01655-RAJ-JPD

4

FREIMUND JACKSON & TARDIE, PLLC
701 FIFTH AVENUE, SUITE 354S
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6085

1 **REQUEST FOR PRODUCTION C:** Please produce for inspection and copying all medical,
2 hospital, and other health care records from treatment providers listed in the preceding
3 interrogatory. This request can be satisfied by completing and signing the attached authorizations
4 allowing defense counsel to obtain health care records.

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11 **RESPONSE:**

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13 **INTERROGATORY NO. 5:** Have you ever been convicted of or pled guilty to a felony?
14 And, have you ever been convicted of or pled guilty to a misdemeanor involving dishonesty or
15 false statement? If so, state for each:

- 16 (a) The name of the crime charged and the crime convicted of;
17 (b) The date of the charge and conviction;
18 (c) The date and place of the conviction and sentence imposed; and
19 (d) The court and case number.

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26 **ANSWER:**

1 **INTERROGATORY NO. 6:** Have you been a party to any lawsuits, including bankruptcy
2 and/or divorce proceedings, in the past ten (10) years? If so, provide:

- 3 (a) A description of the nature of lawsuit;
4 (b) The names of parties (or case name);
(c) The court and cause number;
(d) The outcome of lawsuit.

5 **ANSWER:**

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14 **INTERROGATORY NO. 7:** Please state your educational history beginning with high
15 school, including the name of each institution attended, any degrees and honors received, and
16 dates of attendance.

17 **ANSWER:**

1 **INTERROGATORY NO. 8:** Please list the name and address of each of your employers for
2 the past ten (10) years (including yourself if you were self-employed).

3 **ANSWER:**
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11 **INTERROGATORY NO. 9:** Did you drink any alcoholic beverages within 24 hours prior to the
12 incident referred to in the Complaint? If so, state:

- 13 (a) When and where;
14 (b) Names and addresses of persons present;
(c) Amount consumed.

15 **ANSWER:**
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CITY DEFENDANTS' FIRST
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF KYLE
LYDELL CANTY --
NO. 2:16-CV-01655-RAJ-JPD

7

FREEMUND JACKSON & TARDIF, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 562-6001
FAX: (206) 466-6085

1 **INTERROGATORY NO. 10:** Did you take any drug, narcotic, sedative, tranquilizer or other
2 form of medication within 24 hours before the incident referred to in the Complaint? If so, for
3 each preparation please state the identity of the preparation, the date taken, the amount taken, the
reason for taking it, and if procured under a prescription, the name and address of the person
prescribing it.

4 **ANSWER:**

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11 **INTERROGATORY NO. 11:** Have you ever been involuntarily committed in Washington state
12 or in any other jurisdiction prior to the incidents alleged in Plaintiff's Complaint? If so, please
state:

- 13 (a) The name of the county and state of the commitment;
14 (b) The date of the commitment;
(c) The place of the commitment; and
(d) The court and case number.

15 **ANSWER:**

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CITY DEFENDANTS' FIRST
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF KYLE
LYDELL CANTY --
NO. 2:16-CV-01655-RAJ-JPD

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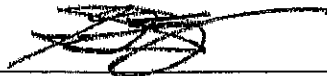
FREIMUND JACKSON & TARDIE, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6085

1 **INTERROGATORY NO. 12:** Were you ever evaluated, diagnosed or treated for a mental
2 health condition prior to the incidents alleged in Plaintiff's complaint? If so, please state:

- 3 (a) The date of the evaluation, diagnosis or treatment;
4 (b) The name and address of the mental health professional evaluating, diagnosing
or treating you for the mental health condition; and
5 (c) The mental health conditions you were diagnosed with, if any.

6 **ANSWER:**

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10 DATED this 15 day of August, 2017.

11
12 
13 GREGORY E. JACKSON, WSBA #17541
14 JOHN R. NICHOLSON WSBA #30499
15 AMEE J. TILGER, WSBA #34613
16 Freimund Jackson & Tardif, PLLC
17 701 5th Avenue, Suite 3545
18 Seattle, WA 98104
19 Telephone: (206) 582-6001
20 Facsimile: (206) 466-6085
21 gregj@fjtlaw.com
22 Attorneys for Defendants City of Seattle,
23 Officer Marshall Coolidge, Sean Culbertson,
24 Timothy Renihan and Officer Hancock
25
26

DECLARATION OF RESPONDING PARTY

I declare under the penalty of perjury under the laws of the State of Washington that I am the Plaintiff in this action and am authorized to make the foregoing answers. I declare under penalty of perjury that that have read the foregoing answers, know the contents thereof, and believe them to be true and correct.

DATED this _____ day of _____, _____ at _____,
Washington.

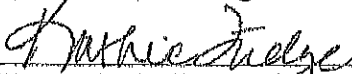
KYLE LYDELL CANTY

CERTIFICATE OF SERVICE

I certify that on the 16th day of August, 2017, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

Pro se Plaintiff, Kyle Lydell Canty, #401358 WA State Department of Corrections P.O. Box 900 Shelton, WA 98584	(X) U.S. Mail
Samantha D. Kanner, WSBA #36943 Deputy Prosecuting Attorney King County Prosecuting Attorney's Office 500 Fourth Avenue, 9 th Floor Seattle, WA 98104	(X) U.S. Mail

DATED this 16th day of August, 2017, in Seattle, Washington,


KATHIE FUDGE, Legal Assistant to
GREGORY E. JACKSON
701 5TH Avenue, Suite 3545
Seattle, WA 98104
kathief@fjlaw.com

CITY DEFENDANTS' FIRST
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF KYLE
LYDELL CANTY ~~~
NO. 2:16-CV-01655-RAJ-JPD

11

FREEMUND JACKSON & TARDIE, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6985

Honorable Richard Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

AUTHORIZATION AND STIPULATION
TO OBTAIN MEDICAL RECORDS FROM
THE PROVIDER LISTED BELOW FOR
KYLE LYDELL CANTY:

HARBORVIEW MEDICAL CENTER
325 9TH AVENUE
SEATTLE WA 98104

AUTHORIZATION

I, **KYLE LYDELL CANTY**, DOB: [REDACTED] 85, hereby consent to the release of my health care information as described below:

any and all records regarding mental health, medical, psychological, social, or psychiatric conditions; drug, alcohol, or other substance use or abuse; history, clinical findings, diagnoses, prognoses, treatment, recommendations for future care, general notes, second opinions, and referrals to or from other health care providers; charges, billings, payments, itemized statement of account (for all services rendered for the period January 1, 2007, to the present date), liens, pharmacy prescriptions, and reports; all letters and memos sent or received, chart notes, nurse's notes, all test and laboratory results; all x-ray reports; and records regarding sexually transmitted diseases including HIV results, regardless of the form of the records whether written, tape recorded, videotaped, photographic, or other imaging by another method

AUTHORIZATION AND STIPULATION TO
OBTAIN MEDICAL RECORDS FOR KYLE
LYDELL CANTY – NO. 2:16-CV-01655-RAJ-
JPD

1

FREEMUND JACKSON & TARDIF, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6985

Exhibit C
024

1 from Harborview Medical Center, to ALL PARTIES identified on page 4, for the purpose of
 2 the above-entitled litigation. Information used or disclosed pursuant to this authorization may be
 re-disclosed by the recipient and may no longer be protected by federal or state law.

3 The parties to the above-referenced litigation do not intend for the covered entity to be
 4 able to condition treatment, payment, enrollment, or eligibility for benefits on this
 authorization. A photostat of this authorization may be accepted with the same authority as the
 5 original. This consent will expire three years from the date of signing or at the conclusion of the
 instant lawsuit, whichever occurs last. I understand that I may revoke this authorization prior to
 6 the designated expiration date by notifying the health care provider or agency identified above in
 writing, except to the extent that: (i) the health care provider or agency identified above has
 7 taken action in reliance on this authorization; or (ii) if this authorization was obtained as a
 condition of obtaining insurance coverage, other laws provide the insurer with the right to
 8 contest a claim under the policy or the policy itself. This release is in compliance with CFR
 45.164 (HIPAA), 42 Part 2 and RCW 70.02.

9 This authorization is in compliance with 45 C.F.R. § 164.500 (Health Insurance
 10 Portability and Accountability Act of 1996), 42 U.S.C. § 290dd-2, Part 2 (confidentiality of
 alcohol and drug abuse patient records), and RCW 70.02 (Uniform Health Information Act).

11 DATED this _____ day of _____, 2017.

12
 13
 14 **KYLE LYDELL CANTY**
 15 **DOB: [REDACTED] 1985**

STIPULATION

COME NOW the parties hereto, through their respective counsel, and stipulate as follows:

That the Records Custodian above described shall, in the absence of counsel, release a copy of all records pertaining to: **KYLE LYDELL CANTY**, that the records shall be identified and marked as an exhibit reserving to the time of trial objections as to competency, materiality, and relevancy; that counsel shall be provided copies of the records at their expense for use/re-disclosure only in accordance with the above Authorization; that if the original records are removed from the office of the Records Custodian for copying, the original records shall be returned to the Custodian and the copies used in lieu thereof; the Records Custodian shall answer the questions listed below.

The following certification is intended to meet the requirements of the Uniform Health Information Act, RCW 70.02.

1. What is your name, address and phone number?
2. Are you employed as a Medical Records Custodian for **Harborview Medical Center**, and if so, are you one of the authorized custodians of its records?
3. Have you produced, and are these all of the medical records pertaining to **KYLE LYDELL CANTY (DOB: [REDACTED] 1985)**?
4. To the best of your knowledge and belief, are there any medical or billing records of this individual which have not been produced?
5. Are there X-rays, CT scans, MRI films, or other imaging pictures? ☐ Have they all been produced? ☐ If not, why not?
6. Have you provided an itemized statement of account for all services rendered for the period of **January 1, 2007 to the present**?
7. Were these records which you have provided made, kept, and maintained by the health care provider/facility in the usual and normal course of business?

8. If photocopies have been made of the original records, were such copies made under your direction and control and are they true and correct copies of such medical records?

9. How many pages of health care information are being provided? _____

10. What kind of health care information is being provided (i.e., medical, psychological, etc.)?

Pursuant to RCW 9A.72.085, I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this _____ day of _____, 2017.

Custodian

Address & Phone

Kyle Lydell Canty, Plaintiff Pro Se

For City of Seattle Defendants

KYLE LYDELL CANTY
Plaintiff Pro Se
DOC #401358
WA State Department of Corrections
P.O. Box 900
Shelton, WA 98584

GREGORY E. JACKSON, WSBA #17541
JOHN R. NICHOLSON, WSBA #30499
AMEE J. TILGER, WSBA #34614
Freimund, Jackson & Tardif, PLLC
701 Fifth Avenue, Suite 3545
Seattle, WA 98104
Tel: (206) 582-6001
Fax: (206) 466-6085

Do you want a copy? YES/NO
(You will be billed)

Do you want a copy? YES ☒

For King County Defendants

SAMANTHA D. KANNER, WSBA #36943
Senior Deputy Prosecuting Attorney
500 Fourth Avenue, 9th Floor
Seattle, WA 98104
(206) 296-8820

Do you want a copy? YES/NO
(You will be billed)

AUTHORIZATION AND STIPULATION TO
OBTAIN MEDICAL RECORDS FOR KYLE
LYDELL CANTY – NO. 2:16-CV-01655-RAJ-
JPD

4

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Honorable Richard Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

**AUTHORIZATION AND STIPULATION
TO OBTAIN MEDICAL RECORDS FROM
THE PROVIDER LISTED BELOW FOR
KYLE LYDELL CANTY:**

King County Jail Health Services
500 5th Avenue Rm 600
Seattle, WA 98104

AUTHORIZATION

I, KYLE LYDELL CANTY, DOB: [REDACTED] 85, hereby consent to the release of my health care information as described below:

any and all records regarding mental health, medical, psychological, social, or psychiatric conditions; drug, alcohol, or other substance use or abuse; history, clinical findings, diagnoses, prognoses, treatment, recommendations for future care, general notes, second opinions, and referrals to or from other health care providers; charges, billings, payments, itemized statement of account (for all services rendered for the period January 1, 2007, to the present date), liens, pharmacy prescriptions, and reports; all letters and memos sent or received, chart notes, nurse's notes, all test and laboratory results; all x-ray reports; and records regarding sexually transmitted diseases including HIV results, regardless of the form of the records whether written, tape recorded, videotaped, photographic, or other imaging by another method

AUTHORIZATION AND STIPULATION TO
OBTAIN MEDICAL RECORDS FOR KYLE
LYDELL CANTY - NO. 2:16-CV-01655-RAJ-
JPD

1

FREIMUND JACKSON & TARDIF, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6085

Exhibit C
028

1 from **King County Health Services**, to ALL PARTIES identified on page 4, for the purpose of
 2 the above-entitled litigation. Information used or disclosed pursuant to this authorization may be
 re-disclosed by the recipient and may no longer be protected by federal or state law.

3 The parties to the above-referenced litigation do not intend for the covered entity to be
 4 able to condition treatment, payment, enrollment, or eligibility for benefits on this
 authorization. A photostat of this authorization may be accepted with the same authority as the
 5 original. This consent will expire three years from the date of signing or at the conclusion of the
 instant lawsuit, whichever occurs last. I understand that I may revoke this authorization prior to
 6 the designated expiration date by notifying the health care provider or agency identified above in
 writing, except to the extent that: (i) the health care provider or agency identified above has
 taken action in reliance on this authorization; or (ii) if this authorization was obtained as a
 7 condition of obtaining insurance coverage, other laws provide the insurer with the right to
 contest a claim under the policy or the policy itself. This release is in compliance with CFR
 8 45.164 (HIPAA), 42 Part 2 and RCW 70.02.

9 This authorization is in compliance with 45 C.F.R. § 164.500 (Health Insurance
 Portability and Accountability Act of 1996), 42 U.S.C. § 290dd-2, Part 2 (confidentiality of
 10 alcohol and drug abuse patient records), and RCW 70.02 (Uniform Health Information Act).

11 DATED this _____ day of _____, 2017.

12
 13
 14 **KYLE LYDELL CANTY**
 15 **DOB: [REDACTED] 1985**

STIPULATION

COME NOW the parties hereto, through their respective counsel, and stipulate as follows:

That the Records Custodian above described shall, in the absence of counsel, release a copy of all records pertaining to: **KYLE LYDELL CANTY**, that the records shall be identified and marked as an exhibit reserving to the time of trial objections as to competency, materiality, and relevancy; that counsel shall be provided copies of the records at their expense for use/re-disclosure only in accordance with the above Authorization; that if the original records are removed from the office of the Records Custodian for copying, the original records shall be returned to the Custodian and the copies used in lieu thereof; the Records Custodian shall answer the questions listed below.

The following certification is intended to meet the requirements of the Uniform Health Information Act, RCW 70.02.

1. What is your name, address and phone number?
2. Are you employed as a Medical Records Custodian for **King County Health Services**, and if so, are you one of the authorized custodians of its records?
3. Have you produced, and are these all of the medical records pertaining to **KYLE LYDELL CANTY** [REDACTED] 1985)?
4. To the best of your knowledge and belief, are there any medical or billing records of this individual which have not been produced?
5. Are there X-rays, CT scans, MRI films, or other imaging pictures? ☐ Have they all been produced? ☐ If not, why not?
6. Have you provided an itemized statement of account for all services rendered for the period of **January 1, 2007 to the present**?
7. Were these records which you have provided made, kept, and maintained by the health care provider/facility in the usual and normal course of business?

8. If photocopies have been made of the original records, were such copies made under your direction and control and are they true and correct copies of such medical records?

9. How many pages of health care information are being provided? _____

10. What kind of health care information is being provided (i.e., medical, psychological, etc.)?

Pursuant to RCW 9A.72.085, I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this _____ day of _____, 2017.

Custodian

Address & Phone

Kyle Lydell Canty, Plaintiff Pro Se

For City of Seattle Defendants

KYLE LYDELL CANTY
Plaintiff Pro Se
DOC #401358
WA State Department of Corrections
P.O. Box 900
Shelton, WA 98584

GREGORY E. JACKSON, WSBA #17541
JOHN R. NICHOLSON, WSBA #30499
AMEE J. TILGER, WSBA #34614
Freimund, Jackson & Tardif, PLLC
701 Fifth Avenue, Suite 3545
Seattle, WA 98104
Tel: (206) 582-6001
Fax: (206) 466-6085

Do you want a copy? YES/NO
(You will be billed)

Do you want a copy? YES ☒

For King County Defendants

SAMANTHA D. KANNER, WSBA #36943
Senior Deputy Prosecuting Attorney
500 Fourth Avenue, 9th Floor
Seattle, WA 98104
(206) 296-8820

Do you want a copy? YES/NO
(You will be billed)

AUTHORIZATION AND STIPULATION TO
OBTAIN MEDICAL RECORDS FOR KYLE
LYDELL CANTY - NO. 2:16-CV-01655-RAJ-
JPD

FREIMUND JACKSON & TARDIF, PLLC
701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6085

Honorable Richard Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

AUTHORIZATION AND STIPULATION
TO OBTAIN MEDICAL RECORDS FROM
THE PROVIDER LISTED BELOW FOR
KYLE LYDELL CANTY:

WESTERN STATE HOSPITAL
9601 STELLACOOM BLVD S.W.
LAKEWOOD WA 98498-7213

AUTHORIZATION

I, KYLE LYDELL CANTY, DOB: [REDACTED] 85, hereby consent to the release of my health care information as described below:

any and all records regarding mental health, medical, psychological, social, or psychiatric conditions; drug, alcohol, or other substance use or abuse; history, clinical findings, diagnoses, prognoses, treatment, recommendations for future care, general notes, second opinions, and referrals to or from other health care providers; charges, billings, payments, itemized statement of account (for all services rendered for the period January 1, 2007, to the present date), liens, pharmacy prescriptions, and reports; all letters and memos sent or received, chart notes, nurse's notes, all test and laboratory results; all x-ray reports; and records regarding sexually transmitted diseases including HIV results, regardless of the form of the records whether written, tape recorded, videotaped, photographic, or other imaging by another method

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701 FIFTH AVENUE, SUITE 3545
SEATTLE, WA 98104
TEL: (206) 582-6001
FAX: (206) 466-6085

Exhibit C
032

1 from **Western State Hospital**, to ALL PARTIES identified on page 4, for the purpose of the
 2 above-entitled litigation. Information used or disclosed pursuant to this authorization may be re-
 disclosed by the recipient and may no longer be protected by federal or state law.

3 The parties to the above-referenced litigation do not intend for the covered entity to be
 4 able to condition treatment, payment, enrollment, or eligibility for benefits on this
 authorization. A photostat of this authorization may be accepted with the same authority as the
 5 original. This consent will expire three years from the date of signing or at the conclusion of the
 instant lawsuit, whichever occurs last. I understand that I may revoke this authorization prior to
 6 the designated expiration date by notifying the health care provider or agency identified above in
 writing, except to the extent that: (i) the health care provider or agency identified above has
 taken action in reliance on this authorization; or (ii) if this authorization was obtained as a
 7 condition of obtaining insurance coverage, other laws provide the insurer with the right to
 contest a claim under the policy or the policy itself. This release is in compliance with CFR
 8 45.164 (HIPAA), 42 Part 2 and RCW 70.02.

9 This authorization is in compliance with 45 C.F.R. § 164.500 (Health Insurance
 Portability and Accountability Act of 1996), 42 U.S.C. § 290dd-2, Part 2 (confidentiality of
 10 alcohol and drug abuse patient records), and RCW 70.02 (Uniform Health Information Act).

11 DATED this _____ day of _____, 2017.

12
 13
 14 **KYLE LYDELL CANTY**
 DOB: [REDACTED] 1985

1 **STIPULATION**

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4 copy of all records pertaining to: **KYLE LYDELL CANTY**, that the records shall be identified
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6 and relevancy; that counsel shall be provided copies of the records at their expense for use/re-
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8 returned to the Custodian and the copies used in lieu thereof; the Records Custodian shall answer
the questions listed below.

9 The following certification is intended to meet the requirements of the Uniform Health
10 Information Act, RCW 70.02.

- 11 1. What is your name, address and phone number?
- 12 2. Are you employed as a Medical Records Custodian for **Western State Hospital**, and if
13 so, are you one of the authorized custodians of its records?
- 14 3. Have you produced, and are these all of the medical records pertaining to **KYLE**
15 **LYDELL CANTY (DOB: [REDACTED] 1985)**?
- 16 4. To the best of your knowledge and belief, are there any medical or billing records of this
17 individual which have not been produced?
- 18 5. Are there X-rays, CT scans, MRI films, or other imaging pictures? ☐ Have they all been
19 produced? ☐ If not, why not?
- 20 6. Have you provided an itemized statement of account for all services rendered for the
21 period of **January 1, 2007 to the present**?
- 22 7. Were these records which you have provided made, kept, and maintained by the health
23 care provider/facility in the usual and normal course of business?
- 24
- 25
- 26

8. If photocopies have been made of the original records, were such copies made under your direction and control and are they true and correct copies of such medical records?

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Pursuant to RCW 9A.72.085, I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this _____ day of _____, 2017.

Custodian

Address & Phone

Kyle Lydell Canty, Plaintiff Pro Se

For City of Seattle Defendants

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